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Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

D'AMATO ET AL.

Serial No.: 09/780,650

Filed: February 12, 2001

For: ESTROGENIC COMPOUNDS AS  
ANTI-MITOTIC AGENTS

Examiner: B. Badio, Ph.D.

Art Unit: 1616

11/01/2005 MBINAS 00000040 09780650  
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TERMINAL DISCLAIMER IN APPLICATION

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The owner, The Children's Medical Center Corporation, of the entire interest in the above-identified present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,908,910 and 6,930,128 (the prior patents), as well as the grant of any patent granted on pending second Application No. 10/280,831, filed on October 25, 2002. The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that said patent and the prior patents are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee of such patent, and its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents and grant of any patent granted on pending Application No. 10/280,831, filed on October 25, 2002, as presently shortened by any terminal disclaimer, in the event that the prior patents or grant of any patent granted on pending second Application No. 10/280,831, filed on October 25, 2002 later: expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally

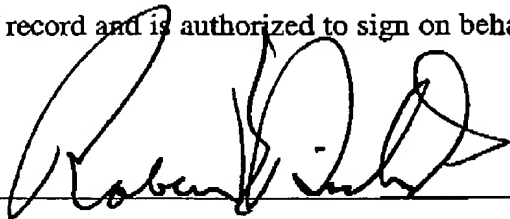
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disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The fee required by 37 CFR § 1.20(d) accompanies this disclaimer.

The undersigned is an attorney of record and is authorized to sign on behalf of the owner.

Date: 10-31-05



Name: Robert E. Richards

Our Docket: 05213-0493 (43170-253692)

Reg. No: 29,105